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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/107,230	06/30/1998	SANJAY AIYAGARI	CISCP047	7733

22434 7590 03/28/2003

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EXAMINER

HYUN, SOON D

ART UNIT	PAPER NUMBER
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2663

17

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/170,230

Applicant(s)

TILLEY, JAY M.

Examiner

Soon-Dong Hyun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 21-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 21 claims a data frame that lacks any structure. Hence, the claim is non functional descriptive matter.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b).

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Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-16, 19, and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Alger-Meunier (U.S. Patent Number 5,903,567).

Regarding claims 1, 10, 19, 20, and 21, Alger-Meunier teaches in Fig 1, a first and a second transmitting/receiving devices 2, 3 (SDSL modem) using a standard HDSL frame format (a frame length of 6 ms) over the communication line 1, wherein fig. 2 teaches the HDSL frame format including a field (Zm 24) in each payload block (20) for enabling a feature corresponding to one of T1 and E1 transmission protocol and the Zm field according to a standard (ESTI RTR/TM 3036) is not conventionally used for transmitting payload data, see col. 1, lines 35-50.

Alger-Meunier further teaches that some of the Zm fields in the frame are used for transmitting a portion of the payload data by adopting a variable length for each payload block, see col.4, lines 14-41.

Regarding claim 2, Alger-Meunier further teaches that the two transmitting/receiving device 2 and 3 are communicating each other by receiving, generating and transmitting data frames as recited in the claim, see col. 3, line 47-col.4, line 13.

Regarding claims 3 and 4, refer to claim 2, each transmitting/receiving device inherently incorporates registers including a Zm bit register, because the registers are inherently required for generating data frames by storing data into the register to transmit the data frames to other transmitting/receiving device .

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Regarding claims 5 and 14, refer to the claim 1, each transmitting/receiving device receives the data frames from other transmitting/receiving device, demodulates and decomposes the data frames, see col. 3, line 47-col. 4, line 13.

Regarding claim 6, refer to the claim 3.

Regarding claim 7, refer to the claim 4.

Regarding claims 8 and 9, refer to claim 1, transmitting/receiving device wherein the first and second devices are coupled to telephone networks, central offices, and subscriber respectively.

Regarding claims 11 and 12, refer to the claims 1 and 3.

Regarding claim 13, refer to the claim 4.

Regarding claim 15, refer to the claim 3.

Regarding claim 16, refer to the claim 4.

Response to Arguments

5. Applicant's arguments with respect to claims 1-16, 19, 20-22 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claims 20 and 21, refer to the last office Action.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon-Dong Hyun whose telephone number is (703) 305-4550. The examiner can normally be reached on Monday-Friday from 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen, can be reached on (703) 308-5340.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

7. Any response to this action should be mailed to:

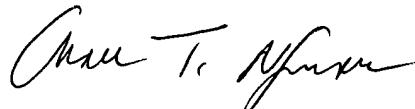
Commissioner for Patents

Washington, D.C. 20231

Or faxed to: 703-872-9314 for formal communications intended for entry with a label of "OFFICIAL" and for informal or draft communications with a label of "PROPOSED" or "DRAFT" (attn: Art Unit 2663, Soon-Dong Hyun).


S. Hyun

03/20/2003


CHAU NGUYEN
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